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Washington, Wednesday, February 10, 1937

PRESIDENT OF THE UNITED STATES.

EMERGENCY BOARD, CHICAGO GREAT WESTERN RAILROAD (PATRICK H. JOYCE AND LUTHER M. WALTER, TRUSTEES)—EMPLOYEES

By the President of the United States of America

A PROCLAMATION

WHEREAS, the President, having been duly notified by the National Mediation Board that a dispute between the Chicago Great Western Railroad (Patrick H. Joyce and Luther M. Walter, Trustees), a carrier, and certain of its employees represented by

Brotherhood of Locomotive Engineers,
Brotherhood of Locomotive Firemen and Enginemen,
Order of Railway Conductors,
Brotherhood of Railroad Trainmen,
Switchmen's Union of North America,

which dispute has not been heretofore adjusted under the provisions of the Railway Labor Act, amended, now threatens substantially to interrupt interstate commerce within the States of Illinois, Iowa, Minnesota, Missouri and Kansas, to a degree such as to deprive that section of the country of essential transportation service;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, amended, do hereby create a board to be composed of three persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate and report their findings to me within thirty days from this date.

The members of this Board shall be compensated for and on account of such duties in the sum of seventy-five dollars for every day actually employed with or upon account of travel and duties incident to such board. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72d Congress, Approved June 30, 1932, 11:30 a. m., not to exceed five (\$5.00) dollars per diem for expenses incurred for subsistence.

All expenditures of the board shall be allowed and paid for out of the appropriation "Emergency Boards, Railway Labor Act, May 20, 1926, 1937" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 8th day of February in the year of our Lord nineteen hundred and thirty seven, and of the Independence of the United State of America the one hundred and sixty first.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[No. 2224]

[F. R. Doc. 37-402; Filed, February 9, 1937; 12:25 p. m.]

EXECUTIVE ORDER

DESIGNATING VESSELS TO PATROL WATERS FREQUENTED BY SEAL HERDS AND SEA OTTER

By virtue of and pursuant to the authority vested in me by section 9 of the act of August 24, 1912, 37 Stat. 501 (U. S. C., Title 16, sec. 640), I hereby designate as the vessels to patrol the waters frequented by the seal herds and sea otter, in the enforcement of the said act, such vessels of the Coast Guard as shall be assigned for that purpose by the Commandant of the Coast Guard.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

February 6, 1937.

[No. 7549]

[F. R. Doc. 31-397; Filed, February 8, 1937; 3:21 p. m.]

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48796]

AIRPORT OF ENTRY

FORT PEMBINA AIRPORT, PEMBINA, NORTH DAKOTA, DESIGNATED AS AN AIRPORT OF ENTRY WITHOUT TIME LIMIT

To Collectors of Customs and Others Concerned:

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Fort Pembina Airport, Pembina, North Dakota, is hereby designated as an airport of entry for the landing of aircraft from foreign countries, effective February 2, 1937.

[SEAL]

J. H. MOYLE,

Commissioner of Customs.

Approved, February 2, 1937.

STEPHEN B. GIBBONS,

Acting Secretary of the Treasury.

[F. R. Doc. 37-396; Filed, February 8, 1937; 2:42 p. m.]



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DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

[Public Notice No. 19]

LOWER YELLOWSTONE IRRIGATION PROJECT

MONTANA-NORTH DAKOTA

Order Opening Public Lands to Entry

JANUARY 29, 1937.

1. *Public land for which entry may be made.*—In pursuance of the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, it is announced that water will be available in the irrigation season of 1937 and thereafter, and beginning on February 23, 1937, entry may be made in accordance with this order for the following described public land under the Lower Yellowstone Irrigation project, Montana-North Dakota, as shown on supplemental diagrams of T. 22 N., R. 59 E., and T. 23 N., R. 60 E., of Montana Principal Meridian, and T. 150 N., R. 104 W., T. 151 N., R. 104 W., and T. 152 N., R. 104 W., of the 5th Principal Meridian, North Dakota, to-wit:

MONTANA PRINCIPAL MERIDIAN

Township 22 North, Range 59 East

Section	Farm Unit	Or the —	Irrigable area when cleared and leveled
30.....	"E"	Lots 2, 3, 6.....	90.00

Township 23 North, Range 60 East

5 and 6.....	"A"	Lots 4, 5, Sec. 5, lot 5, Sec. 6.....	85.00
8.....	"A"	Lots 1, 2.....	95.00

5TH PRINCIPAL MERIDIAN, NORTH DAKOTA

Township 150 North, Range 104 West

3 and 10.....	"F"	Lot 6, Sec. 3, and lots 1, 2, Sec. 10.....	52.00
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Township 151 North, Range 104 West

3.....	"J"	N $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
3.....	"K"	S $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
14 and 23.....	"B"	Lots 4, 7, Sec. 14, lot 2, Sec. 23.....	106.00
23.....	"A"	Lots 3, 6.....	97.00
23, 26, 27.....	"F"	Lot 7, Sec. 23, lot 2, Sec. 26, lot 1, Sec. 27.....	81.00
27.....	"G"	Lot 2 and NW $\frac{1}{4}$ NE $\frac{1}{4}$	71.00

Township 152 North, Range 104 West

20, 29.....	"E"	Lot 6, Sec. 20, lots 1, 2, Sec. 29.....	11.00
29.....	"G"	Lots 3, 4, and W $\frac{1}{2}$ SE $\frac{1}{4}$	4.00
32, 33.....	"D"	N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33.....	24.00

The supplemental diagrams referred to above were approved on the date of this order and are on file in the office of the Project Manager, Board of Control, Lower Yellowstone Project, Sidney, Montana, and in the local land offices at Great Falls, and Billings, Montana, and Bismarck, North Dakota.

2. *Preference rights to soldiers.*—Pursuant to the provisions of joint resolution, approved June 12, 1930 (46 Stat., 580), and until May 24, 1937, the lands described above will be open to entry only by officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in any War, military occupation, or military expedition, and have been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve. The same preference rights are applicable to those citizens of the United States who served with the allied armies during the World War and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies was similar to

the service with the Army of the United States for which recognition is granted in the aforesaid joint resolution: *Provided, however,* That they must be qualified to make entry under the homestead laws and also possess the qualifications required of all applicants under this order.

3. *Applicants must be qualified.*—No entry shall be accepted by the local land offices until the applicant therefor has satisfied the Examining Board, appointed for the Lower Yellowstone project to consider such matters, that he is possessed of such qualifications (in addition to the qualifications required under the homestead laws), as to industry, experience, character, and capital as in the opinion of the board are necessary to give reasonable assurance of success by the prospective settler.

4. *Qualifications.*—Each applicant must be in good health and have had at least two years actual experience in farm work. He must have at least \$2,000 in money free of liability or the equivalent thereof in livestock, farming equipment, or other assets deemed by the Examining Board to be as useful to the Applicant as money.

5. *Examining Board.*—An Examining Board of three members has been appointed to consider the fitness of applicants to undertake the development of a farm on the Lower Yellowstone Project. Each applicant, except those described in paragraph 10a, must appear in person before the Examining Board; and the Project Manager of the Board of Control, acting as secretary of the board, and who is hereby designated as a member of the board to represent the United States, will notify each applicant of the time set for his appearance and examination. The members of the board will be available at the office of the Board of Control when the opening is being held, where applicants will be examined. The board will announce such incidental rules as will necessitate only one appearance by each applicant. Careful investigation shall be made to verify the statements and representations made by the applicants so that there may be no misunderstanding either regarding an applicant's qualifications or his appreciation of the problem before him.

6. *Determination of relative standing of applicants.*—The relative standing of the applicants will be based upon a percentage rating with the following weights given to the four prescribed qualifications:

	Percent
Character	15
Industry	20
Capital	30
Farm experience	35

Applicants will be rated according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules; or who do not, in the opinion of the board, possess the health and vigor necessary for active farm work:

CHARACTER	Percent	INDUSTRY	Percent
Fair	5	Fair	5
Good	10	Good	10
Excellent	15	Excellent	20

CAPITAL	Percent
\$2,000 to \$2,999	20
3,000 to 3,999	22
4,000 to 4,999	24
5,000 to 5,999	25
6,000 to 6,999	26
7,000 to 7,999	27
8,000 to 8,999	28
9,000 to 9,999	29
10,000 or above	30

FARM EXPERIENCE	Percent
2 years' in farming other than irrigation	5
2 years' farming other than irrigation	5
plus 1% for each additional year's experience to a total of 10 years, or a maximum of	15
2 years in irrigation farming, any time	20
2 years in irrigation farming, in last 4 years	25
2 years in irrigation farming, in last 2 years	30
2 years or more in responsible charge of irrigation farm in last 4 years	35

7. *When and how to apply for a farm unit.*—Any person desiring to acquire any of the said public land must secure from the Project Manager, Board of Control, at Sidney, Montana, or from the Commissioner, Bureau of Reclamation, Washington, D. C., a farm application blank. A full answer must be made to each question propounded therein. If the applicant claims a preference right on account of military service, he shall attach to his application an affidavit setting forth such military service. The affidavit shall state the applicant's time of service, the unit of which he was a member, the date on which he was honorably discharged, or separated or transferred to the Regular Army or Naval Reserve, and that he did not refuse to wear the uniform of such service or to perform the duties thereof. If the applicant claims a preference right on account of military service with the allied armies during the World War, the affidavit should also state, if true, that the service with the allied armies was similar to the service with the Army of the United States for which recognition was granted in the said joint resolution of June 12, 1930. There shall be attached to said affidavit a copy of such honorable discharge or separation from the service, or order of transfer to the Regular Army or Naval Reserve, as the case may be, which copy shall be certified by a notary public to be a true copy of the original.

8. *Simultaneous filing of farm applications.*—Applications received on or before February 23, 1937, the date of opening, for the same farm unit, will be held and treated as simultaneously filed.

9. *Preference rights for ex-service men not filing in accordance with Paragraph 8.*—In order that ex-service men may take advantage of the preference right as provided in paragraph 2 of this order, in the event that they fail to file on or before February 23, 1937, as set forth in paragraph 8 above, their applications together with the proof to be furnished by them, must be filed with the Project Manager of the Board of Control, at Sidney, Montana, on or prior to May 24, 1937, the day upon which the farm units herein described, except those units for which applications of ex-service men have been accepted, become open to entry by the general public. No advantage will accrue to an applicant presenting his application in person rather than by mail. Farm applications received after February 23, 1937, will be filed and noted in the order of their receipt.

10. *Showing of applicants and selection thereof.*—(a) Where the applicant fails to make a *prima facie* case—that is, where he does not possess good health, or does not show at least two years' experience, and the assets required in paragraph 4, the application shall be rejected and the applicant notified thereof by registered mail, and of his right to appeal to the Secretary of the Interior within ten days from receipt of notice. Like action shall be taken where the evidence of military service is defective or not furnished. All appeals allowed under this order must be filed in the office of the Project Manager of the Board of Control, at Sidney, Montana, within ten days from receipt of notice.

(b) Each applicant who makes a *prima facie* case and has not been previously examined by the board shall be notified by the board, by registered mail, of the time within which he must appear before it. After such personal examinations, and after consideration of the showing made in the application, the board will rate the applicant in accordance with the scale set forth above, and place such rating in red ink, with the initials of each member of the board upon the face of the farm application blank. Should the applicant fail to appear for examination after due notice, his application will receive no further consideration by the board at that time. Should he later appear his application may be considered for any farm then remaining unassigned. The date of receipt of his application shall then be considered as being the day he actually appeared before the board. The rating necessary to establish qualification is the minimum named in paragraph 4 of this order, and the applications of all who fail to attain this minimum shall be rejected and the applicants notified thereof by registered

mail, and of the right of appeal to the Secretary within 10 days from receipt of notice. After the expiration of the appeal period and in the absence of any pending appeals, the board shall select the 13 applicants, (there being 13 farm units), with the highest rating, and notify each of the other applicants that since the number of qualified applicants exceeds the number of available farms, it is necessary to reject all applications below the first 13 in qualification ratings. Each rejected applicant may appeal to the Secretary within ten days. In the event that the number of qualified applicants is less than the number of available farm units, and also if in such case there are several applications for the same farm unit, the board shall assign a farm unit to each of such applicants. Whenever practicable, the board shall allow the applicants to exercise a choice of farms; and if it is found practicable to do so, the applicants will be given the right of selection in the order of their ratings. However, the intent of the law is to select the best qualified applicants for the farms available, and the Government reserves the right to assign the farms regardless of individual preferences.

11. *Notification of applicant that he has been selected.*—After the expiration of the appeal periods in all of the contingencies named above and any other that may arise, and in the absence of pending appeals, the board shall notify each applicant selected for a farm, by registered mail, and inclose a statement of the amount to be paid to the Lower Yellowstone Irrigation District No. 1 or No. 2, as the case may be, for operation and maintenance charges. This amount shall be paid within ten days from receipt of notice. Upon receipt of this payment the Project Manager of the Board of Control shall send to the applicant by registered mail a certificate which will entitle him to file homestead application at the local land office having jurisdiction over the land applied for. Such homestead application shall be made within fifteen days from the date of receipt of the certificate. Failure to make homestead entry within this period shall render the application subject to rejection.

12. *Failure of selected applicant to complete transaction.*—If the applicant fails to comply with any of the requirements named above the board will select the next highest in qualification rating, and when the list has been exhausted, and if there still remain lands unallotted, the board will consider applications filed thereafter in the order filed, and such applications will otherwise be handled by the board as prescribed in paragraph 10.

13. *General entry.*—On and after May 24, 1937, any public lands described herein, which remain unentered, shall be subject to entry under this order, by any person having the necessary qualifications. If, on May 24, 1937, prior to 2 P. M., the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm units shall be determined in accordance with paragraph 10.

14. *Warning against unlawful settlement.*—No person shall be permitted to gain or exercise any right under any settlement or occupation of any of said public land begun without having at the time the certificate entitling him to file homestead application covering the land in question: *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

15. *Lands are within Irrigation Districts.*—The land covered by this public order, situate in Montana, is within Lower Yellowstone Irrigation District No. 1, and the land situate in North Dakota is within Lower Yellowstone Irrigation District No. 2.

16. *Contracts with Irrigation Districts.*—Contracts were entered into September 23, 1926, and November 2, 1926, between the United States and Lower Yellowstone Irrigation Districts Nos. 1 and 2, respectively, providing for payment of charges and operation of works.

17. *Construction Charges.*—The construction cost shall be paid in accordance with the contracts dated September 23, 1926, and November 2, 1926, between the United States and the Lower Yellowstone Irrigation Districts Nos. 1 and 2,

respectively, and shall begin five years after the date of entry.

18. *Operation and Maintenance Charges.*—Under the terms of the contracts between the United States and the Lower Yellowstone Irrigation Districts Nos. 1 and 2, the Districts have taken over the operation and maintenance of the project and will levy assessments each year against the irrigable lands to cover the yearly cost of operation and maintenance. The Districts shall not deliver any irrigation water to any of the units covered by this notice unless and until all operation and maintenance charges then due have been paid. The units covered by this notice are not at present prepared for irrigation and the assessments by the Districts for Operation and Maintenance charges shall be made from year to year on the number of acres then prepared for irrigation.

19. *Reservation of rights of way for county highways.*—Rights of way for county highways are reserved along all section lines, across the farm units above described, in Montana and North Dakota; such rights of way being 30 feet in width on each side of said section lines.

20. *Waiver of mineral rights.*—All homestead entries for any of the above-described land will be subject to the laws of the United States governing mineral land and all applicants under this order must waive the right to the mineral content of the land, if required to do so, by the Land Office, otherwise the homestead application will be rejected, or the homestead entry cancelled.

21. *Effect of relinquishment prior to one-year's residence.*—In the event that any entry of public land shall be relinquished at any time prior to actual residence upon the land by the entrymen for not less than one year, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land offices. During the 10-day period next succeeding the expiration of such 60-day period, any person having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to 2 P. M., the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm units shall be determined in accordance with the procedure described in paragraph 10 of this order.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 37-399; Filed, February 9, 1937; 10:59 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

NER—B-101-A—New Hampshire

Issued February 5, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101-A—NEW HAMPSHIRE

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, this Bulletin No. 101-A—New Hampshire contains the provisions of the 1937 Soil Conservation Program with respect to payments for diversion from the 1937 tobacco soil-depleting base.

The provisions of this bulletin shall be applicable only to those farms for which a tobacco soil-depleting base is established and all of the provisions of Bulletin No. 101—New Hampshire are applicable to such farms unless otherwise provided herein.

Part I. The Soil-Building Allowance

For farms with a tobacco soil-depleting base the provisions of this part I shall be applicable in lieu of the provisions of part II of Bulletin No. 101—New Hampshire.

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on the farm.

SECTION 1. The soil-building allowance for any farm not eligible to earn a tobacco diversion payment and for any farm having a tobacco soil-depleting base of five acres or less with respect to which no application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than \$20.00 for any such farm:

(a) *Crop land*.—\$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

(b) *Commercial orchards*.—\$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land*.—\$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936;

\$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land*.—\$0.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

SECTION 2. The soil-building allowance for any farm having a tobacco soil-depleting base of more than five acres and for any farm having a tobacco soil-depleting base of five acres or less with respect to which an application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to such farm, but shall not be less than \$10.00 for any such farm:

(a) *Crop land*.—\$1.00 for each acre of crop land represented by the sum of

(1) The difference between the sum of (a) the tobacco soil-depleting base for the farm and (b) the general soil-depleting base which was or could have been established for the farm in 1936 and the total acres of crop land (excluding commercial orchards, vineyards, and bush fruits); and

(2) The number of acres diverted for payment from the tobacco soil-depleting base.

(b) *Commercial orchards*.—\$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land*.—\$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936; \$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land*.—\$0.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

Part II. Tobacco Program for Types 51 and 52

SECTION 1. *Tobacco Payment*.—A payment of 4 cents per pound based on the normal tobacco yield per acre will be paid for each acre diverted in 1937 from the 1937 tobacco soil-depleting base established for the farm, not in excess of 15 percent of such base, provided that such payment will not be made with respect to an acreage greater than the number of acres by which the acreage of soil-conserving crops on the farm in 1937 exceeds the soil-conserving base.

SECTION 2. *Tobacco Soil-Depleting Base and Yield*.—The 1937 tobacco soil-depleting base for any farm in a county shall be the tobacco soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program, subject to any adjustment which will result in equitable bases for all farms in the county for which tobacco bases are established, taking into consideration production facilities and their use; provided:

(a) The tobacco soil-depleting base for any farm shall not be more than twice the acreage of tobacco grown in 1937.

(b) The sum of the tobacco soil-depleting bases for the farms in any county or other specified area shall not exceed an acreage for tobacco established for such county or other specified area by the Agricultural Adjustment Administration.

(c) The weighted average of the yield of tobacco per acre for all farms for which 1937 tobacco soil-depleting bases are

established in any county or other specified area shall not exceed the average yield of tobacco per acre established for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 3. *Deductions for an Acreage of Tobacco in Excess of the 1937 Tobacco Soil-Depleting Base*.—If the 1937 acreage of tobacco exceeds the 1937 tobacco soil-depleting base, a deduction will be made, from any payment which otherwise would be made respecting the farm, for each acre of such excess at the rate of 4¢ per pound based on the normal tobacco yield per acre.

Part III. Miscellaneous Provisions

SECTION 1. *Division of Payments*.—(a) The payment for diversion from the 1937 tobacco soil-depleting base for a farm covered by an application for payment shall be divided between the producers concerned in the proportion that each shares in the tobacco grown on that farm or the proceeds thereof.

(b) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

Part IV. Classification of Land Use and Crops

SECTION 1. *Soil-Conserving*. (a) Land devoted to any of the following crops shall be regarded as used for the production of soil-conserving crops except that any land from which any crop, other than a soil-conserving crop, is harvested in the same year shall not be regarded as having been used for the production of a soil-conserving crop in such year, except as provided in (b) below.

If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(1) Sweet, medium red alsike, and mammoth red clover, alfalfa, and white clover.

(2) Vetch, winter peas, bur or crimson clover, annual varieties of lespedeza, and crotalaria.

(3) Soybeans, velvet beans, and cowpeas, except when harvested for grain or hay.

(4) Sudan grass, millet, Italian, ryegrass, and sorghums, not harvested for grain, hay, or forage.

(5) Sowed corn and rape when plowed or disked under.

(6) Bluegrass, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of any of these.

(7) Rye, oats, barley, wheat, buckwheat, and grain mixtures, not cut for grain or hay; provided, a good growth is left on the land or plowed under.

(8) Forest trees planted on crop land.

(b) Land devoted to any of the combinations of soil-conserving and other than soil-conserving crops listed below shall be regarded as used for the production of a soil-conserving crop.

(1) All the land from which a crop other than soil-conserving is harvested in 1937 and followed by legumes (classified in (a) above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall be classified as soil-conserving.

(2) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green manure after having attained at least a 12-inch or 2 months' growth shall be classified as soil-conserving.

Part V. Definitions

As used herein, and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the term—

Soil-Conserving Base means the acreage represented by the difference between the total crop land (excluding commercial orchards, vineyards and bush fruits, and idle land) and the sum of the 1937 tobacco soil-depleting base and the 1936 general soil-depleting base established for the

farm or which could have been established under the 1936 Agricultural Conservation Program.

Tobacco Diversion Payment means a payment for a diversion from the 1937 tobacco soil-depleting base.

Tobacco Soil-Depleting Base means the number of acres established for the farm as the acreage normally used for the production of types 51 and 52 tobacco.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of February 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-412; Filed, February 9, 1937; 12:50 p. m.]

NER—B-101-A—New York

Issued February 5, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST
REGION

BULLETIN NO. 101-A—NEW YORK

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, this Bulletin No. 101-A—New York contains the provisions of the 1937 Soil Conservation Program with respect to payments for diversion from the 1937 tobacco soil-depleting base.

The provisions of this bulletin shall be applicable only to those farms for which a tobacco soil-depleting base is established and all of the provisions of Bulletin No. 101—New York are applicable to such farms unless otherwise provided herein.

Part I. The Soil-Building Allowance

For farms with a tobacco soil-depleting base the provisions of this part I shall be applicable in lieu of the provisions of part II of Bulletin No. 101—New York.

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on the farm.

SECTION 1. The soil-building allowance for any farm not eligible to earn a tobacco diversion payment and for any farm having a tobacco soil-depleting base of five acres or less with respect to which no application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than \$20.00 for any such farm:

(a) *Crop land*.—\$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

(b) *Commercial orchards*.—\$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land*.—\$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936;

\$2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land*.—\$.35 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

SECTION 2. The soil-building allowance for any farm having a tobacco soil-depleting base of more than five acres and for any farm having a tobacco soil-depleting base of five acres or less with respect to which an application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to such farm, but shall not be less than \$10.00 for any such farm.

(a) *Crop land*.—\$1.00 for each acre of crop land represented by the sum of

(1) The difference between the sum of (a) the tobacco soil-depleting base for the farm and (b) the general soil-depleting base which was or could have been established

for the farm in 1936 and the total acres of crop land (excluding commercial orchards, vineyards, and bush fruits); and

(2) The number of acres diverted for payment from the tobacco soil-depleting base.

(b) *Commercial orchards*.—\$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land*.—\$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936; \$2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land*.—\$.35 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

Part II. Tobacco Program

SECTION 1. *Tobacco Payment*.—A payment of 3 cents per pound based on the normal tobacco yield per acre will be paid for each acre diverted in 1937 from the 1937 tobacco soil-depleting base established for the farm, not in excess of 25 percent of such base, provided that such payment will not be made with respect to an acreage greater than the number of acres by which the acreage of soil-conserving crops on the farm in 1937 exceeds the soil-conserving base.

SECTION 2. *Tobacco Soil-Depleting Base and Yield*.—The 1937 tobacco soil-depleting base for any farm in a county shall be the tobacco soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program, subject to any adjustment which will result in equitable bases for all farms in the county for which tobacco bases are established, taking into consideration production facilities and their use; provided:

(a) The tobacco soil-depleting base for any farm shall not be more than twice the acreage of tobacco grown in 1937.

(b) The sum of the tobacco soil-depleting bases for the farms in any county or other specified area shall not exceed an acreage for tobacco established for such county or other specified area by the Agricultural Adjustment Administration.

(c) The weighted average of the yield of tobacco per acre for all farms for which 1937 tobacco soil-depleting bases are established in any county or other specified area shall not exceed the average yield of tobacco per acre established for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 3. *Deductions for an Acreage of Tobacco in Excess of the 1937 Tobacco Soil-Depleting Base*.—If the 1937 acreage of tobacco exceeds the 1937 tobacco soil-depleting base, a deduction will be made, from any payment which otherwise would be made respecting the farm, for each acre of such excess at the rate of 3 cents per pound based on the normal tobacco yield per acre.

Part III. Miscellaneous Provisions

SECTION 1. *Division of Payments*.—(a) The payment for diversion from the 1937 tobacco soil-depleting base for a farm covered by an application for payment shall be divided between the producers concerned in the proportion that each shares in the tobacco grown on that farm or the proceeds thereof.

(b) Any payment for a farm shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

Part IV. Classification of Land Use and Crops

SECTION 1. *Soil-Conserving*.—(a) Land devoted to any of the following crops shall be regarded as used for the production of soil-conserving crops except that any land from which any crop, other than a soil-conserving crop, is harvested in the same year shall not be regarded as having been used for the production of a soil-conserving crop in such year, except as provided in (b) below.

If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(1) Sweet, medium red, alsike, and mammoth red clover, alfalfa, and white clover.

(2) Vetch, winter peas, bur or crimson clover, annual varieties of lespedeza, and crotalaria.

(3) Soybeans, velvet beans, and cowpeas, except when harvested for grain or hay.

(4) Sudan grass, millet, Italian ryegrass, and sorghums, not harvested for grain, hay, or forage.

(5) Sowed corn and rape when plowed or disked under.

(6) Bluegrass, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of any of these.

(7) Rye, oats, barley, wheat, buckwheat, and grain mixtures, not cut for grain or hay; *provided*, a good growth is left on the land or plowed under.

(8) Forest trees planted on crop land.

(b) Land devoted to any of the combinations of soil-conserving and other than soil-conserving crops listed below shall be regarded as used for the production of a soil-conserving crop.

(1) All the land from which a crop other than soil-conserving is harvested in 1937 and followed by legumes (classified in (a) above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall be classified as soil-conserving.

(2) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green-manure after having attained at least a 12-inch or 2 months' growth shall be classified as soil-conserving.

Part V. Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the following terms shall have the following meanings:

Soil-Conserving Base means the acreage represented by the difference between the total crop land (excluding commercial orchards, vineyards and bush fruits, and idle land) and the sum of the 1937 tobacco soil-depleting base and the 1936 general soil-depleting base established for the farm or which could have been established under the 1936 Agricultural Conservation Program.

Tobacco Diversion Payment means a payment for a diversion from the 1937 tobacco soil-depleting base.

Tobacco Soil-Depleting Base means the number of acres established for the farm as the acreage normally used for the production of tobacco.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of February 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-411; Filed, February 9, 1937; 12:50 p. m.]

NER—B-101-A—Vermont

Issued February 5, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST
REGION

BULLETIN NO. 101-A—VERMONT

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, this Bulletin No. 101-A—Vermont contains the provisions of the 1937 Soil Conservation Program with respect to payments for diversion from the 1937 tobacco soil-depleting base.

The provisions of this bulletin shall be applicable only to those farms for which a tobacco soil-depleting base is established and all of the provisions of Bulletin No. 101—

Vermont are applicable to such farms unless otherwise provided herein.

Part I. The Soil-Building Allowance

For farms with a tobacco soil-depleting base the provisions of this part I shall be applicable in lieu of the provisions of part II of Bulletin No. 101—Vermont.

The soil-building allowance for any farm is the maximum amount that may be paid for carrying out soil-building practices on the farm.

SECTION 1. The soil-building allowance for any farm not eligible to earn a tobacco diversion payment and for any farm having a tobacco soil-depleting base of five acres or less with respect to which no application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to that farm, but shall not be less than \$20.00 for any such farm:

(a) *Crop land*.—\$1.00 for each acre of crop land, excluding commercial orchards, on the farm on January 1, 1937.

(b) *Commercial orchards*.—\$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land*.—\$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936;

\$2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land*.—\$.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

SECTION 2. The soil-building allowance for any farm having a tobacco soil-depleting base of more than five acres and for any farm having a tobacco soil-depleting base of five acres or less with respect to which an application is made for a tobacco diversion payment shall be the sum of such of the following items as are applicable to such farm, but shall not be less than \$10.00 for any such farm.

(a) *Crop land*.—\$1.00 for each acre of crop land represented by the sum of

(1) The difference between the sum of (a) the tobacco soil-depleting base for the farm and (b) the general soil-depleting base which was or could have been established for the farm in 1936 and the total acres of crop land (excluding commercial orchards, vineyards, and bush fruits); and

(2) The number of acres diverted for payment from the tobacco soil-depleting base.

(b) *Commercial orchards*.—\$2.00 for each acre of commercial orchards cultivated on the farm on January 1, 1937.

(c) *Commercial vegetable land*.—\$1.00 for each acre of crop land on which *only one* crop of commercial vegetables was grown in 1936;

\$2.00 for each acre of crop land on which *two or more* crops of commercial vegetables were grown on the same acreage in 1936.

(d) *Non-crop pasture land*.—\$.40 for each acre of fenced non-crop open pasture land in excess of one-half of the number of acres of crop land on the farm.

Part II. Tobacco Program for Types 51 and 52

SECTION 1. *Tobacco Payment*.—A payment of 4 cents per pound based on the normal tobacco yield per acre will be paid for each acre diverted in 1937 from the 1937 tobacco soil-depleting base established for the farm, not in excess of 15 percent of such base, provided that such payment will not be made with respect to an acreage greater than the number of acres by which the acreage of soil-conserving crops on the farm in 1937 exceeds the soil-conserving base.

SECTION 2. *Tobacco Soil-Depleting Base and Yield*.—The 1937 tobacco soil-depleting base for any farm in a county shall be the tobacco soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program, subject to any adjustment which will result in equitable bases for all farms in the

county for which tobacco bases are established, taking into consideration production facilities and their use; provided;

(a) The tobacco soil-depleting base for any farm shall not be more than twice the acreage of tobacco grown in 1937;

(b) The sum of the tobacco soil-depleting bases for the farms in any county or other specified area shall not exceed an acreage for tobacco established for such county or other specified area by the Agricultural Adjustment Administration;

(c) The weighted average of the yield of tobacco per acre for all farms for which 1937 tobacco soil-depleting bases are established in any county or other specified area shall not exceed the average yield of tobacco per acre established for such county or other specified area by the Agricultural Adjustment Administration.

SECTION 3. Deductions for an Acreage of Tobacco in Excess of the 1937 Tobacco Soil-Depleting Base.—If the 1937 acreage of tobacco exceeds the 1937 tobacco soil-depleting base, a deduction will be made, from any payment which otherwise would be made respecting the farm, for each acre of such excess at the rate of 4¢ per pound based on the normal tobacco yield per acre.

Part III. Miscellaneous Provisions

SECTION 1. Division of Payments.—(a) The payment for diversion from the 1937 tobacco soil-depleting base for a farm covered by an application for payment shall be divided between the producers concerned in the proportion that each shares in the tobacco grown on that farm or the proceeds thereof.

(b) Any payment for a farm shall be computed without regard to questions of title under State Law, without deductions of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

Part IV. Classification of Land Use and Crops

SECTION 1. Soil-Conserving.—(a) Land devoted to any of the following crops shall be regarded as used for the production of soil-conserving crops except that any land from which any crop, other than a soil-conserving crop, is harvested in the same year shall not be regarded as having been used for the production of a soil-conserving crop in such year, except as provided in (b) below.

If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(1) Sweet, medium red, alsike, and mammoth red clover, alfalfa, and white clover.

(2) Vetch, winter peas, bur or crimson clover, annual varieties of lespedeza, and crotalaria.

(3) Soybeans, velvet beans, and cowpeas, except when harvested for grain or hay.

(4) Sudan grass, millet, Italian ryegrass, and sorghums, not harvested for grain, hay, or forage.

(5) Sowed corn and rape when plowed or disked under.

(6) Bluegrass, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of any of these.

(7) Rye, oats, barley, wheat, buckwheat, and grain mixtures, not cut for grain or hay; *provided*, a good growth is left on the land or plowed under.

(8) Forest trees planted on crop land.

(b) Land devoted to any of the combinations of soil-conserving and other than soil-conserving crops listed below shall be regarded as used for the production of a soil-conserving crop.

(1) All the land from which a crop other than soil-conserving is harvested in 1937 and followed by legumes (classified in (a) above as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall be classified as soil-conserving.

(2) All the land on which green-manure crops are seeded following commercial vegetables and plowed under as green-manure after having attained at least a 12 inch or 2 months' growth shall be classified as soil-conserving.

Part V. Definitions

As used herein, and in all forms and documents relating to the 1937 Agricultural Conservation Program in the Northeast Region, the term—

Soil-Conserving Base means the acreage represented by the difference between the total crop land (excluding commercial orchards, vineyards and bush fruits, and idle land) and the sum of the 1937 tobacco soil-depleting base and the 1936 general soil-depleting base established for the farm or which could have been established under the 1936 Agricultural Conservation Program.

Tobacco Diversion Payment means a payment for diversion from the 1937 tobacco soil-depleting base.

Tobacco Soil-Depleting Base means the number of acres established for the farm as the acreage normally used for the production of types 51 and 52 tobacco.

In testimony whereof, H. A. WALLACE, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of February 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-410; Filed, February 9, 1937; 12:50 p.m.]

Bureau of Public Roads.

ELIMINATION OF HAZARDS TO LIFE AT RAILROAD GRADE CROSSINGS

Pursuant to the authority vested in the Secretary of Agriculture by the Federal Highway Act of November 9, 1921 (42 Stat. 212), as amended and supplemented, the following rules and regulations are hereby adopted and promulgated for administering the provisions of Section 8 of the Act approved June 16, 1936 (Public No. 686—74th Congress), relating to the elimination of hazards to life at railroad grade crossings.

Done at the City of Washington this 9th day of February, 1937, as witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS OF SECTION 8 OF THE ACT OF JUNE 16, 1936 (PUBLIC, NO. 686—74TH CONGRESS), WHICH RELATE TO THE ELIMINATION OF HAZARDS TO LIFE AT RAILROAD GRADE CROSSINGS IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL HIGHWAY ACT

Definitions

SECTION 1. For the purposes of these rules and regulations the following definitions shall control:

"Act" shall mean Section 8 of the Act of June 16, 1936 (Public, No. 686—74th Congress), which provides for the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings in accordance with the provisions of the Federal Highway Act, as amended and supplemented.

"State" as used herein shall include the Territory of Hawaii, the Island of Puerto Rico and the District of Columbia.

"Secretary" shall mean the Secretary of Agriculture of the United States.

"Grade Crossing Funds" shall mean the funds authorized by Section 8 of the Act to be apportioned among the several States by the Secretary of Agriculture for the elimination of hazards to life at railroad grade crossings.

"Municipality" shall mean a populous community, generally of defined area, usually organized pursuant to law into a body politic with corporate name and continuous succession and for the purpose and with the authority of subordinate local self-government.

"Project" shall mean a definite undertaking for a purpose defined under the Act.

"Railroad" shall mean an individually owned and/or operated railroad in any State.

Projects located on the Federal aid highway system outside of municipalities shall be designated "Federal Aid Grade Crossing Project No. FAGH —." Projects within municipalities, whether or not located on extensions of the Federal aid highway system into or through such municipalities, shall be designated "Federal Aid Grade Crossing Project No. FAGM —." Projects located outside of municipalities and not on the Federal aid highway system shall be designated "Federal Aid Grade Crossing Project No. FAGS —."

Initiation of Projects

SECTION 2. All projects under this Act shall be initiated by the States and submitted in the same manner as other Federal aid projects, and all such projects shall be subject to all of the provisions of the rules and regulations of the Secretary of Agriculture in effect for administering the Federal Highway Act, as amended, except such provisions as are inconsistent or in conflict with these rules and regulations.

Application of Funds to Projects

SECTION 3. The funds apportioned to any State under the Act shall be applied to projects without limitation as to geographic location.

To secure a reasonably equitable distribution of benefits among the railroads in a State, projects shall be apportioned, within practical limits, to the railroads therein in such manner that the total cost of the project or projects on any railroad shall have approximately the same relation to the total apportionment to the State as the road mileage of such railroad bears to the total road mileage of all railroads in the State. For this purpose data obtained from the Interstate Commerce Commission will be furnished each State showing the road mileage, exclusive of trackage rights, owned or operated therein on December 31, 1935, by the individual Class 1 railroads, together with the road mileage of railroads of all other classifications owned or operated in the State.

At the discretion of the State, projects may be programmed within practical limits, on other than Class 1 railroads to the extent of the indicated apportionment to such railroads, or the indicated apportionment to other than Class 1 railroads may be distributed proportionately among the Class 1 railroads, or used to increase the apportionment to one or more of the Class 1 railroads, to accomplish the programming of desirable projects, without regard to the fact that some Class 1 railroads may control other than Class 1 railroad mileage. Exception may be made to the general principle of the apportionment of benefits to the railroads in any State where the crossings of any railroad on the basis of both railroad and highway traffic usage are of low priority in comparison with the crossings of other railroads.

The mileage of high speed electric railway lines in any State may be considered in connection with the programming of projects, in which event the intention to program projects for such mileage shall be reported by a State highway department when submitting the first increment of its program. Nothing in this method of distribution of projects shall operate to prevent the elimination of hazards to life at important main line railroad crossings on railroads which may have only a relatively small mileage in any one State.

The total amount of grade crossing funds authorized for apportionment among the States for the elimination of hazards to life at railroad grade crossings for any one or more fiscal years may be adopted as the basis for a corresponding distribution of benefits to the railroads for the period covered by such authorizations: Provided, That the cost chargeable to grade crossing funds, of all projects programmed for construction in a State in any one year shall not exceed the amount of such funds available to the State.

Types of Projects

SECTION 4. The apportioned funds shall be available to pay the direct cost of the construction of projects of the following character, exclusive of any charges for rights of way and/or property damage:

- (a) The separation of grades at crossings.
- (b) The protection of grade crossings.
- (c) The reconstruction of existing railroad grade separation structures.
- (d) The relocation of highways to eliminate grade crossings.
- (e) The relocation of railroads to eliminate grade crossings.

The separation of grades at crossings may be by underpass or by overpass and may include any necessary track elevation or track depression, and such additional work as may be required by changes in grade or alignment of the highway or by relocation of the highway or the railroad tracks. Grade crossing funds may be used in combination with funds from other sources for the accomplishment of projects of greater magnitude than otherwise would be possible. The cost chargeable to grade crossing funds of relocating and constructing the highway approaches to new or reconstructed grade separation structures shall be limited to work actually necessary and performed within 1,500 feet on each side of the nearest track of the crossing measured along the center line of the highway improvement: *Provided, however,* That where conditions justify, the length of any one such approach may be increased if accompanied by a corresponding decrease in the length of the other approach. In all cases where the approaches to grade separation structures are constructed on existing locations, the cost chargeable to grade crossing funds of constructing such approaches shall be limited to such lengths on either side of the crossing structure as are necessary for proper approach grades and vertical curves to connect with the existing roadway.

The protection of railroad grade crossings shall be accomplished by means of approved flashing light signals, unless greater protection is desired than is afforded by flashing lights, in which event the installation of single gate arms in combination with flashing lights, the installation of crossing gates, the installation of barriers or other similar devices, which are satisfactory to the State highway department and the affected railroad company, may be submitted for approval. Railroad grade crossing protection devices of the flashing light type shall permit the use of:

- (1) Recommended standards for flashing light signals adopted by the Joint Committee on Grade Crossing Protection of the Association of American Railroads.
- (2) Flashing light signals conforming essentially to the standards recommended by the Joint Committee on Grade Crossing Protection of the Association of American Railroads which carry additional features, such as a rotating disc or other devices, which do not impair the operation or detract from the uniformity or utility of the signals.
- (3) A wigwag signal of the magnetic type having standard signs and mounting height, a balanced outline reasonably in keeping with stationary lights with backgrounds and, when operating, an aspect essentially the same as flashing lights.

Prior to the approval of any project for the protection of any railroad grade crossing, a definite agreement with respect to the maintenance of each such protection installation shall be entered into between the State highway department and the affected railroad company and approved by the Bureau of Public Roads. The plans and specifications for protection work shall be in sufficient detail to define or describe the exact kind and quality of material required, or in the case of an operating mechanism they shall cover fully the essential requirements of the operating

parts so that there may be effective competition in securing materials or parts going into such installations.

The reconstruction of existing railroad grade separation structures shall include strengthening and widening or a relocation and rebuilding of the structure to provide alignment adequate for the safety of highway traffic.

The relocation of any necessary length of highway to eliminate railroad grade crossings shall include the construction of new highway facilities and/or the reconstruction of an existing highway so that rerouted traffic will not encounter the crossings, but the total cost of any such highway relocation chargeable to grade crossing funds shall not exceed:

(1) The estimated cost of providing grade separation structures and approaches thereto for the avoided crossings; nor shall it exceed

(2) The estimated cost of providing on the relocation an improvement to modern standards of alignment and grade, with surfacing of a type comparable to that existing on the portion of the route so relocated.

The estimated cost of providing grade separation structures and approaches thereto for avoided crossings shall be determined and agreed upon by the State highway department and representatives of the affected railroad company. A copy of such estimate properly approved and signed by representatives of these agencies shall be filed with each project of this character. The estimated cost of providing on the relocation an improvement to modern standards of alignment and grade with surfacing of a type comparable to that existing on the portion of the route so relocated shall be determined by the State highway department and approved by the Bureau of Public Roads.

Before approval of a project for a highway relocation to eliminate railroad grade crossings at an estimated cost in excess of the amount chargeable to grade crossing funds provision must be made to complete the relocation with other funds. If other Federal funds are to be used, the work shall be separated into corresponding sections. Grading as first stage construction will be acceptable on highway relocations to eliminate railroad grade crossings provided the State highway department will enter into an agreement for future surfacing within a definite date.

The relocation of railroads to eliminate railroad grade crossings may be undertaken whenever deemed by the affected interests the most economical and satisfactory procedure.

Where a highway relocation project avoids grade crossings over the existing tracks of more than one railroad, the cost shall be chargeable to the railroads involved in the ratios which the number of existing tracks of each railroad bears to the total number of existing tracks at the avoided crossings. Where a single grade separation structure eliminates grade crossings over the tracks of more than one railroad the cost shall be chargeable to the railroads involved on the basis of the number of tracks of the respective railroads that the grade separation structure will accommodate. Nothing in the above methods of obtaining a division of cost of a project to more than one railroad shall prevent the affected railroads from agreeing upon any other basis of division and when such agreement exists the terms thereof shall apply.

Selection of Projects

SECTION 5. Insofar as practicable and feasible projects on each railroad to which funds are allocated under the foregoing principles shall be selected with respect to the elimination of greatest traffic hazards and in accordance with mutual agreements between the State and the affected railroad. Grade crossings within or adjacent to the larger municipalities, which are manually protected and which are used by a considerable volume of highway traffic, or which are frequently occupied by train movements, are desirable projects for elimination if funds are available for the settlement of right of way costs and/or property damage, or if provision has been made by the State or local authorities for such costs. Where legal authority exists for the physical

closure of railroad grade crossings, and where, by the construction of a grade separation structure with adequate approaches, the use of an existing grade crossing or grade crossings is rendered unnecessary for the convenience of the general public, approval of a project for the construction of a grade separation structure shall be contingent upon prior provision for the physical closure of such grade crossing or crossings after completion of the structure and adequate approaches thereto. Any lateral connections necessary to accomplish the physical closure of such existing grade crossings may be included as a part of the project and paid for with grade crossing funds. The extent to which railroad grade crossing protection may be employed in lieu of grade crossing eliminations will be determined by the State highway department subject to the condition, however, that hazardous crossings which cannot be reached in the elimination program and which are not now protected by acceptable devices, may be required to be acceptably protected as a part of any program.

Surveys, Plans, Specifications, Etc.

SECTION 6. Surveys and plans, specifications and estimates for all projects in each State shall be prepared under the direction of the State highway department and the construction involved shall be under the supervision of the State highway department. The State highway department may utilize the services of the engineering organizations of the affected railroad companies, or the engineering organizations of consulting engineers for the preparation of plans for any project. Inasmuch as the Federal Highway Act requires each State to maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge the duties required by the legislation, no part of the cost of maintaining a central office organization of the State highway department or of railroad or consultants' engineering organizations which may be utilized by the State shall be paid with federal funds. Engineering charges reimbursable with federal funds shall be limited to any necessary costs incurred and to the salaries of individuals directly employed in the preparation of surveys, plans, specifications and in the supervision of construction. The cost of surveys, plans and specifications shall not be considered as a part of the customary percentage added to cost estimates for engineering and unforeseen contingencies but no part of the cost of the surveys, plans, specifications and engineering supervision of construction shall be paid to any State which restricts employment of engineers on such work to residents of the State. The design requirements for highway bridges as contained in the Standard Specifications for Highway Bridges adopted by the American Association of State Highway Officials shall obtain with respect to structures carrying highway traffic over the railroads. The design requirements of the American Railway Engineering Association shall obtain with respect to structures carrying railroad traffic. Railroad clearances in general shall conform to those in effect on the individual railroads concerned. The design for grade separation structures shall provide for such additional railroad trackage as reasonably may be anticipated.

Methods of Undertaking Work

SECTION 7. Wherever feasible and practicable the contract method shall be followed in performing work. Work necessary for the maintenance of railroad traffic including temporary support trestles, track adjustment, signal installation and adjustment, the rearrangement of telephone and telegraph lines on railroad right of way, and the adjustment of existing drainage facilities may be undertaken on a force account basis by the railroad or other utility involved with its own forces. On such work reimbursement will be made for proper costs incurred because of the project and the corresponding accounts must be kept in such way that they readily may be audited. Any material furnished by a railroad company or other utility for temporary work will be reimbursed at actual cost less fair salvage value when the material is released.

Where a State highway department is organized and equipped to undertake projects on a day labor or force account basis, or where it desires to utilize the services of other efficient organizations, organized and equipped to undertake special kinds of work on a project on a day labor or force account basis, approval may be given to such methods of undertaking work on individual projects.

Highway Planning Projects

SECTION 8. With the approval of the Secretary, not to exceed one and one-half per centum of the amount apportioned to any State for eliminating the hazards to life at railroad grade crossings may be used for surveys, plans, engineering and economic investigations of projects for future construction in such State or for the general planning of a complete highway system and future programs of highway improvement for such State. Such proposed surveys, plans and engineering investigations shall be initiated by the State highway department in the same manner as are other projects by the submission of a project statement and if approved by the Secretary, the work shall be prosecuted under a project agreement.

State Regulatory Bodies

SECTION 9. A State which has laws vesting control of grade crossing matters in any other agency than the State highway department must necessarily effect cooperative arrangements between such agency and the State highway department for the purpose of carrying out the program of projects contemplated by the Act. Controversies over the division of cost between a railroad and the State should not arise when Federal funds are available for such projects without being matched with State funds. Where agreement exists on grade crossing projects between other affected parties with respect to established grades, clearances, etc., and where controversies are eliminated respecting division of costs approval of a public utilities commission or other similar governing body in a State should be largely a matter of form. Every effort, therefore, should be made to prevent delay to the program because of any necessity for clearing such matters through a State regulatory body.

Contributions From Railroads

SECTION 10. Grade crossing projects shall be undertaken on a basis that will impose no involuntary contributions on the affected railroads. State laws which impose a fixed contribution upon the railroads for grade crossing projects shall be held not to apply to projects under the Act. If any contribution by a railroad company is indicated for right of way or construction cost of any project, the record of such project shall be supplemented by a statement from the railroad company that the indicated participation is wholly voluntary.

Maintenance of Grade Crossing Projects

SECTION 11. Project agreements for grade crossing projects shall provide for the maintenance of such projects by the State to the extent permitted by State law; otherwise the State shall submit, in the form prescribed by the Secretary, an agreement for such maintenance with the agency or agencies responsible therefor prior to the approval of the project.

[F. R. Doc. 37-415; Filed, February 9, 1937; 12:51 p. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

DESIGNATION OF UNITED STATES SHIPPING COMMISSIONERS AS ENFORCEMENT OFFICERS FOR THE PURPOSES OF THE ACT OF JUNE 25, 1936

Section 7 of the Act of June 25, 1936 (Public No. 808—74th Congress; 49 Stat. 1936), makes it the duty of the Secretary of Commerce to enforce the provisions of the above Act through collectors of customs and other government officers acting under the direction of the Bureau of

Marine Inspection and Navigation, and to make such rules and regulations as he may deem necessary to carry out the provisions of the said Act.

In order to enforce more effectually compliance with the provisions of this Act, United States Shipping Commissioners are hereby designated as enforcement officers for carrying out the provisions of the Act.

Approved, February 9, 1937.

[SEAL]

DANIEL C. ROPER,
Secretary of Commerce.

[F. R. Doc. 37-409; Filed, February 9, 1937; 12:49 p. m.]

FEDERAL HOME LOAN BANK BOARD.

Federal Savings and Loan Insurance Corporation.

AMENDMENT TO RULES AND REGULATIONS

ANNUAL REPORTS OF MEMBERS

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (a) of Section 5 of Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a)) the third sentence of Section 34 of Rules and Regulations for Federal Savings and Loan Associations be amended to read as follows:

Within thirty days after December 31 of each year two copies shall be forwarded to the Federal Home Loan Bank of which the association is a member, one copy of which shall thereupon be transmitted by the Bank to the Governor of the Federal Home Loan Bank System.

Adopted by the Federal Home Loan Bank Board on February 4th, 1937.

[SEAL]

R. L. NAGLE, *Secretary*.

[F. R. Doc. 37-400; Filed, February 9, 1937; 12:03 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

COMMISSIONERS: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2694]

IN THE MATTER OF I. S. U. RANK AND FILE GROUP, I. S. U. RANK AND FILE MEMBERS, RANK AND FILE COMMITTEE OF THE I. S. U., RANK AND FILE INTERNATIONAL SEAMEN'S UNION, LOUIS WEINSTOCK, ABRAHAM BASKOFF, RICHARD M. KROON, FRANK MOZER, J. P. ANDERSON, A. ALLEN, FILMER JOHNSON, ROBERT C. BROWN, HARRY BRIDGES, DAVID GORDON, ELMER BROWN, BEN GERJOY, DORA ZUKOR (OR ZUCKER), C. TAYLOR, LUIGI GENOVESE, M. MANES (OR MANIS), T. L. MAJOR, A. EDWARDS, G. ALSTON, M. BALLYA, G. SPAGNOL, A. W. MCPHERSON, KARL MAISUS (OR MASIS), A. WEINER, WILLIAM THACKER, E. CREWS, F. PHILLIPS, A. FLEMING, AND CHARLES B. KILLINGER

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, February 9, 1937, at ten o'clock in the forenoon of that day (eastern standard

time), in Room 424, Federal Trade Commission Building, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-398; Filed, February 9, 1937; 10:21 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 115]

IN THE MATTER OF INCREASES IN FREIGHT RATES AND CHARGES

FEBRUARY 6, 1937.

Notice to the Public:

The above-entitled proceeding was reopened for consideration of proposed increased rates upon certain commodities as described in the petitions of class I railroads filed October 23 and November 21, 1936, respectively. The taking of testimony on behalf of the carriers has been concluded (with exception of certain information to be supplied) upon (1) the general aspects of the reopened proceeding, (2) the lawfulness and propriety of the proposed increased rates upon the so-called heavy basic commodity list, and (3) the percentage relation to first-class rates of fifth and sixth classes when governed by the official classification. The hearing will be resumed at the office of the Commission in Washington at 10 a. m., Tuesday, March 23, 1937. Appendix 1 hereto gives a brief description of the commodities embraced in the heavy basic-commodity list upon which testimony has been received.

Upon resumption of the hearings, protestants may present testimony as to the foregoing matters. Testimony as to other commodities should be reserved. It is desired to conclude the record upon the subjects mentioned before taking up the other commodities included in the two petitions of the carriers. However, testimony will be received separately as to the transcontinental-Mountain-Pacific rates, as will hereinafter appear. At the resumed hearing in Washington the same general order will be followed as in the presentation of testimony on behalf of the carriers; i. e., general testimony first, then testimony as to coal, coke, iron ore, etc., and finally, as to fifth and sixth class relations.

While desirable that as much of the testimony as is possible be produced at Washington, especially that of a general character, the Commission will arrange for further hearings as to the general aspects of the case, the heavy basic-commodities, and as to official classification fifth and sixth class relations, at Boston, Mass., Atlanta, Ga., Chicago, Ill., St. Paul, Minn., and Kansas City, Mo., after the Washington hearing. The dates will be announced later but the outside hearings will commence not earlier than April 15.

The far western and transcontinental rates will be heard independently: the portions of the carriers' applications involved are (as corrected upon the record) shown in appendix 2. It has been arranged to commence the hearing upon these rates at San Francisco, Calif., April 12, 1937, at 10 a. m., at the offices of the Merchants Exchange. Protestants who desire to produce testimony at San Francisco will be given an opportunity to do so immediately following the close of testimony for the western carriers and their connections. Subsequently, at dates hereafter to be announced, but not earlier than May 15, further hearings will be resumed at Salt Lake City, Utah, Los Angeles, Calif., and Portland, Ore., for reception of testimony on behalf of protestants.

In the preparation of exhibits, Rule XIII of the rules of practice should be followed. A copy of the Rule is attached. All documents submitted by a witness should be embraced in one exhibit, suitably bound together, whenever practicable. In order to supply the State Commissioners,

the members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. As far as can be done, exhibits should be self-explanatory, in order to minimize the amount of time required for oral examination thereon. Witnesses coming with prepared statements of their testimony should have sufficient copies thereof for the use of counsel and the Commission. As the voluminous record already made in this proceeding is available for consideration, reference may be made to any exhibit or testimony already received, without reintroduction thereof. If it is desired to submit verified statements (affidavits) in lieu of personal production of a witness, 10 copies should be transmitted to the Commission, and 75 copies to Mr. R. V. Fletcher, attorney for the applicants, Transportation Building, Washington, D. C., a reasonable time in advance of the time when the same are to be submitted for the record. Copies must be furnished to other interested parties who request them, and the rules of practice as to preparation of exhibits should be followed as to style, mimeographing, printing, etc. These statements must be limited to matters of fact and should avoid argument unless these suggestions are followed, the verified statements (affidavits) may be excluded if objection is interposed to their reception.

Persons who desire to be heard at any of these hearings will facilitate the arrangements necessary by sending notice of their intention, stating the commodities involved, the number of witnesses, and the approximate amount of time necessary for presentation of direct testimony.

Correspondence relative to this matter should be addressed to the Commission at Washington, with a reference to the docket number, Ex Parte No. 115.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

APPENDIX 1

HEAVY-BASIC-COMMODITY LIST

Group 2.—Coal and coke; iron ore.

Group 6.—Iron and steel list.

Group 3.—Gypsum rock; plaster retarder; patching plaster; lime (including agricultural lime, common lime, hydrated, quick or slaked; fluxing lime, land lime; land plaster, phospho-plaster and articles grouped therewith); plaster and articles grouped therewith; cement, natural, hydraulic, or portland; and mortar.

Group 4.—Petroleum and its products; asphalt and road oil; tar and pitch, benzol, liquefied petroleum gas, and lignin liquor and lignin pitch.

APPENDIX 2

TRANSCONTINENTAL AND MOUNTAIN-PACIFIC RATES

Petition of October 23, 1936.—Exhibit 2, page 71, "Transcontinental Rates" on commodities specified.

Petition of November 21, 1936.—(a) Exhibit A, Part 2, page 52:

Between points in North Pacific Coast Freight Bureau Territory, also between points in North Pacific Coast Freight Bureau Territory on the one hand and all other interstate points on the other hand except Trans-Continental Freight Bureau Territory, and except as otherwise provided in Exhibit A—Parts 3 and 5.

(b) Exhibit A, Part 3, page 53:

Between points in North Pacific Coast Freight Bureau Territory on the one hand and Pacific Freight Tariff Bureau (South Coast) Territory on the other hand.

(c) Exhibit A, Part 4, page 55:

Between points in Pacific Freight Traffic Bureau Territory (South Coast) also between points in Pacific Freight Tariff Bureau Territory (South Coast) on the one hand and all other interstate points on the other hand, except Trans-Continental Freight Bureau Territory and except as provided in Exhibit A, Parts 2, 3 and 5.

(d) Exhibit A, Part 5, page 60—Intermountain Territory:

Between points in Montana and between such points and all interstate points, also between points in North Pacific Coast Freight Bureau Territory, points in Pacific Freight Bureau Territory (South Coast) and points in Western North and South Dakota and Wyoming.

(e) Exhibit A, Part 6, page 65—Intermountain Territory:

Between	And
Utah-----	Utah. Idaho, East of Huntington, Oreg. Wyoming, West of Granger, Wyo. Oregon, East of Huntington, Oreg. Nevada, Wells, Nev., and north.
Idaho: East of Huntington, Oreg.	Idaho, East of Huntington, Oreg. Wyoming, West of Granger, Wyo. Oregon, East of Huntington, Oreg. Nevada, Wells, Nev., and north.
Oregon: East of Huntington, Oreg.	Oregon, East of Huntington, Oreg. Wyoming, West of Granger, Wyo. Nevada, Wells, Nev., and north.
Nevada: Wells and North---	Nevada, Wells and north. Wyoming, West of Granger, Wyo.
Wyoming: West of Granger.	Wyoming, West of Granger, Wyo.

(f) Exhibit A, Part 7, page 70—Intermountain Territory:

Between	And
Colorado Common Points-----	Utah Common Points.
Colorado-----	Idaho.
Colorado-----	Utah.
Colorado-----	Wyoming.
Colorado-----	New Mexico.
Utah-----	New Mexico.
Utah-----	Wyoming.

Rule XIII, Rules of Practice (in part)(c) 1. *Tariffs; offer of matter contained in schedules.*—

In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity in such manner as to be readily identified and may be received in evidence subject to check by reference to the original tariff schedules so on file.

2. *Reference in exhibits to tariff authority, routes, and distances.*—All exhibits showing rates, fares, charges, or other tariff provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff authority therefor, and if distances are shown must also show the authority therefor and, by lines and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff schedule lawfully on file with the Commission, or are definitely ascertainable from a tariff schedule on file with the Commission showing rates prescribed by the Commission and based on short line distances, provided the exhibit makes specific reference to such tariff schedule as provided by this rule.

(d) *Copies of exhibits furnished opposing counsel.*—

When exhibits of a documentary character are to be offered in evidence copies must be furnished to opposing counsel, unless the presiding commissioner or examiner otherwise directs. Whenever practicable, the parties should interchange copies of exhibits before or at the commencement of the hearing.

(e) *Size, form, and identification of exhibits; relevancy, materiality; not argumentative.*—All exhibits of a documentary character received in evidence are bound with the rest of the record in covers of uniform size. Whenever practicable they should be on one side only of sheets not exceeding 12½ inches from top to bottom by 22 inches in width, and a sufficient margin for binding, preferably 1½ inches, must be left blank on the left side of each sheet. They must be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten. If typewritten they must in other respects conform to the requirements of Rule XXI (b). Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered, and, if the exhibit consists of five or more sheets, the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with

reference by sheet and line to illustrative or typical examples contained in the exhibit and should bear an identifying number, letter, or short title which will readily distinguish the exhibit from the other exhibits of the same party. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Exhibits should be limited to statements of fact relevant and material to the issue, which can be shown in that form better than by oral testimony. They should not be argumentative.

[F. R. Doc. 37-401; Filed, February 9, 1937; 12:04 p. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 56]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 6, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	Amount
Kentucky 21 Nelson-----	\$315,000
Minnesota 60 Redwood-----	70,000
Oklahoma 12 Alfalfa-----	310,000
Oregon 3 Lake-----	60,000
Washington 24 Spokane-----	55,000

MORRIS L. COOKE, *Administrator.*

[F. R. Doc. 37-408; Filed, February 9, 1937; 12:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT NO. 1 TO FORM 8-K

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 13 and 23 (a) thereof, hereby takes the following action:

Paragraph 8 of the Instructions to Form 8-K, under the caption "Incorporation by reference", is amended by deleting the second sentence of such paragraph and inserting in lieu thereof the following sentence:

In addition, subject to the provisions of paragraph (f) of Rule JB4, matter contained in any part of the current report, other than exhibits, or in any part of any application or report previously filed by the registrant pursuant to Section 12 or 13 of the Act, other than exhibits, may be incorporated by reference as answer, or partial answer, to any item in the report.

The foregoing action of the Commission shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-403; Filed, February 9, 1937; 12:46 p. m.]

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE AN15

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, and acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 3 (a) (12) and 23 (a) thereof, hereby amends Rule AN15 by adding at the end of paragraph (a) thereof the following sentence:

For the purposes of this paragraph and of Forms 4-J and 5-J, the term "unissued security" shall include securities issued for

the purpose of distribution, pursuant to a plan of reorganization in proceedings under Section 77B of the Bankruptcy Act, to holders of securities dealt with in the plan, if such securities have not yet been distributed to such security holders, and if the person to whom such securities have been issued is under the control of the court in such proceedings.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-404; Filed, February 9, 1937; 12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-MYERS FARM, FILED ON JANUARY 23, 1937, BY HARRY A. GEORGE, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

1. In that Item 16 (a) (iii) of Division II states that "lease (is) making some water but actual percentage not known", whereas information, which is readily available, indicates that a very substantial percentage of the gross fluid production from the lease consists of water;

2. In that, commencing with the month of November 1936 the water content of the gross fluid produced from Well No. 1, located on the tract in question, has increased from a nominal percentage to more than two times the amount of net oil produced from such well;

3. In that, commencing with the month of November 1936 the water content of the gross fluid produced from Well No. 2, located on the tract in question, has increased to more than two and one-half times the amount of net oil produced from such well;

4. In that Item 18 (a) (v) represents that there are three "flowing" wells upon the tract in question, whereas it appears that two of the wells located on the tract are "pumping", and not more than one is "flowing";

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 19th day of February 1937 at 9:30 o'clock in the forenoon, at the office of the Securities

and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-405; Filed, February 9, 1937; 12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of February A. D. 1937.

[File No. 43-31]

IN THE MATTER OF SOUTHWESTERN LIGHT & POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Southwestern Light & Power Company, a subsidiary company of The Middle West Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant of \$7,250,000 aggregate principal amount of its First Mortgage Bonds, Series A, due February 1, 1967;

It is ordered that a hearing on such matter be held on February 25, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 20, 1937.

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-407; Filed, February 9, 1937; 12:47 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

[File No. 2-148]

IN THE MATTER OF SUNSET GOLD FIELDS, INC.

ORDER CHANGING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

The Commission having heretofore, on January 27, 1937, designated Robert P. Reeder, an officer of the Commission,

to take evidence at a hearing to be held in this matter, under Section 8 (d) of the Securities Act of 1933, as amended, at the office of the Commission in Washington, D. C., on February 10, 1937, and

The registrant having subsequently requested that the place of such hearing be changed;

It is ordered that the foregoing designation of the said Robert P. Reeder is hereby rescinded, and

It is further ordered that the hearing in this matter be held on February 9, 1937, at 2 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 120 Broadway, New York, N. Y., and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that William V. Holohan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-406; Filed, February 9, 1937; 12:46 p. m.]

